United Nations A/60/221

General Assembly

Distr.: General
12 August 2005

Original: English

Sixtieth session
Item 73 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, Paulo Sérgio Pinheiro, submitted in accordance with Commission resolution 2005/10 and Economic and Social Council decision 2005/257 of 25 July 2005.

* A/60/150.

05-45965 (E) 200905

Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar

Summary

The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58 and extended most recently in resolution 2005/10. In that resolution, the Commission requested the Special Rapporteur to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session. The present report is submitted further to that request and is based on information received by the Special Rapporteur up to 22 July 2005. It is to be read in conjunction with his last report to the Commission (E/CN.4/2005/36).

The Special Rapporteur has not been permitted to conduct a fact-finding mission to Myanmar since November 2003. While he has not been granted access to the country during the period covered by the present report, he has continued to fulfil his mandate to the best of his ability based on information collected from a variety of independent and reliable sources.

The National Convention was reconvened from 17 February to 31 March 2005 without the involvement of a number of political parties, including the National League for Democracy (NLD). The invited delegates were selected from the same eight categories as for the previous Convention: political parties, representatives-elect, national races, peasants, workers, intellectuals and intelligentsia, State service personnel and ceasefire groups. According to the National Convention Convening Commission, 1,073 out of the 1,081 delegates invited attended the meeting.

The exclusion of important and representative political actors from the process, the restrictions placed on their involvement, the intolerance of critical voices and the intimidation and detention of pro-democracy activists render any notion of a democratic process devoid of meaning. Freedom of movement, assembly and association must be guaranteed, as they are basic requirements for national reconciliation and democratization.

The Special Rapporteur firmly believes that if the inherent procedural restrictions are not amended and the representatives of the democratic opposition are not involved in the National Convention, any constitution that emerges will lack credibility. Placing the procedural arrangements that govern the National Convention on a sound democratic footing would allow for the full inclusion and involvement of all political parties and true progress to be made in the democratization process. The Government can and should take immediate steps to salvage the National Convention and its credibility both at home and internationally.

The question of defining who will draft the constitution is one of the most relevant issues in the current political process. Furthermore, there is at present no clear indication of the rules for the adoption of the constitution through a national referendum.

The Special Rapporteur regrets to note that the information received demonstrates that the situation regarding the exercise of fundamental rights and

freedoms has not substantially changed during the reporting period. He constantly receives reports of restrictions and violations of basic rights and freedoms.

There reportedly remain over 1,100 political prisoners in Myanmar. The release of 249 political prisoners on 6 July 2005 was tempered by the continuation of the arrests, detention and harsh sentences meted out to civilians and democracy advocates for peaceful political activities. The Special Rapporteur remains very concerned at the practice of administrative detention. It is deeply regrettable that NLD General-Secretary Daw Aung San Suu Kyi celebrated her sixtieth birthday under house arrest. Her virtual solitary confinement and lack of access to NLD colleagues run counter to the spirit of national reconciliation.

The Special Rapporteur is encouraged that HIV/AIDS prevention and treatment activities have increased, but remains very concerned that HIV/AIDS has become a generalized epidemic in Myanmar. While the Government continues to work on a national plan of action for children, it has yet to ratify the two Optional Protocols on the Convention on the Rights of the Child.

Serious human rights violations continue to be perpetrated against Myanmar's ethnic minority communities. Widespread reports of forced labour, rape and other sexual violence, extortion and expropriation by Government forces continue to be received. Victims of violations rarely have recourse to redress.

The transition to a full, participatory and democratic system in Myanmar can no longer be postponed. Political and constitutional dialogue must begin without delay. By instituting values of democracy and human rights, the Government will send a clear signal to the people of Myanmar and the international community that it is actively committed to facilitating the creation of a stable and democratic future for the country.

The United Nations and the international community stand ready to work in partnership with the Government, the political parties and civil society organizations, to effectively facilitate national reconciliation and the transition to democracy. By strengthening its cooperation with international organizations, the Government can be assured of support for conflict resolution, political and economic reform, institution- and capacity-building, humanitarian assistance and human development.

Contents

		Paragraphs	Page
I.	Introduction	1–2	5
II.	Activities of the Special Rapporteur	3–11	5
III.	National Convention	12–39	6
	A. Recent developments	20–24	8
	B. Participation of political parties, ethnic nationality parties and ceasefire groups	25–31	8
	C. Proceedings	32–39	10
IV.	Civil and political rights	40–56	11
V.	Economic, social and cultural rights	57–64	14
VI.	Human rights situation in ethnic minority areas	65–80	15
VII.	Humanitarian situation	81–90	18
VIII.	Concluding observations	91–100	19
IX.	Recommendations	101–118	21

I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58 and extended most recently in resolution 2005/10 of 14 April 2005.

2. In that resolution, the Commission requested that the Special Rapporteur report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session. The present report is submitted further to that request and is based upon information received by the Special Rapporteur up to 22 July 2005. It is to be read in conjunction with his last report to the Commission (E/CN.4/2005/36).

II. Activities of the Special Rapporteur

3. The Special Rapporteur presented his report to the Commission on Human Rights on 29 March 2005. While in Geneva, the Special Rapporteur had meetings with officials from the Government of Myanmar to discuss matters pertaining to the implementation of his mandate. In parallel, the Special Rapporteur held consultations with United Nations agencies, representatives of Member States, civil society groups and non-governmental organizations.

4. Since assuming his mandate in December 2000, the Special Rapporteur has visited Myanmar on six occasions. His visits provided an opportunity to gain a greater understanding of human rights concerns in Myanmar. In all his reports, the Special Rapporteur has striven to report objectively on the situation as he has witnessed and understood it. He has acknowledged encouraging developments, commented upon positive efforts and undertakings of the Government and put forward recommendations on how areas of concern might be constructively addressed.

5. In spite of his expressed willingness to travel to the country and repeated requests for a visit (most recently on 9 July 2005), the Special Rapporteur has not been permitted to conduct a fact-finding mission to Myanmar since November 2003. The Government has cited its inability to find mutually convenient dates as the reason for failing to facilitate the full execution of the Special Rapporteur's mandate.

6. While the Special Rapporteur has not been granted access to the country during the reporting period, he has continued to fulfil his mandate to the best of his ability on the basis of information collected from a variety of independent and reliable sources.

7. The Special Rapporteur is also the independent expert for the Secretary-General's study on the question of violence against children. In this capacity, he travelled to Bangkok from 13 to 18 June 2005 to attend the East Asia and Pacific Regional Consultation on Violence against Children. While in Bangkok, he took the opportunity to meet local and regional actors in the governmental, diplomatic, parliamentary and non-governmental sectors, in fulfilment of his mandate on Myanmar. He also met with the Royal Thai Government Minister for Foreign Affairs, Kantathi Suphamongkhon. The Special Rapporteur convened a press conference on 17 June 2005, at which he expressed his disappointment at the current

human rights situation in Myanmar, and the lack of meaningful political progress and cooperation on the part of the Government to facilitate the full exercise of his mandate.

8. Prior to his visit, his team travelled to Chiang Mai and Mae Sot, Thailand, to meet with academics as well as non-governmental organizations and representatives of the diplomatic community.

9. In mid-June 2005, the Special Rapporteur held further meetings with officials of United Nations agencies, representatives of Member States, including Myanmar, and civil society organizations in connection with his mandate.

10. In implementing his mandate, the Special Rapporteur collaborates closely with the United Nations country team, other United Nations agencies and the Special Envoy of the Secretary-General for Myanmar. The Special Rapporteur deeply regrets that the Special Envoy has not been invited to return to the country since March 2004. In the light of the continued difficulties experienced by both the Special Rapporteur and the Special Envoy, more frequent consultations were held throughout 2004 and 2005.

11. During the reporting period, the Special Rapporteur sent 17 communications to the Government of Myanmar regarding particular cases of alleged human rights violations. He sent those letters of allegation and urgent appeals jointly with other special procedures of the Commission on Human Rights, including the Special Rapporteurs on the question of torture, on extrajudicial, summary or arbitrary executions, on the independence of judges and lawyers, and on the promotion and protection of the right to freedom of opinion and expression; the Special Representative of the Secretary-General on the situation of human rights defenders; and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention.

III. National Convention

12. First convened in 1993, the National Convention had the task of laying down the basic principles for the drafting of a firm and stable constitution (State Law and Order Restoration Committee Declaration 11/92, 1992). Comprising delegates chosen by the Government, it met sporadically for three years, having been instructed by the Government to develop language based on the six objectives that had been drawn up three months earlier. The objectives upon which the future constitution was to be based were: the maintenance of the integrity of the Union; the maintenance of national solidarity; the perpetuation of sovereignty; the flourishing of a genuine multiparty democratic system; the development of the eternal principles of justice, liberty and equality in the State; and the participation of the Tatmadaw (army) in the national political leadership role of the State.

13. Included in the principles laid down was the assurance of a leading role for the army in any future Government, including in the choice of the Head of State; the allocation of 25 per cent of the seats in the legislature to the military; the proviso that the Tatmadaw be free to administer itself, without any parliamentary supervision; and the appointment of members of the military to the positions of Minister of Defence, Minister for Security/Home Affairs and Minister for Border Affairs.

14. The six objectives, together with the 104 principles and subsequent seven detailed basic principles (regarding the judiciary, the executive, the legislature, self-administered areas, the State, the State structure and the Head of State), dictate the parameters and language and provide a skeleton structure for the future constitution. Throughout the various sessions of the National Convention, the Government made it clear to the delegates that participation in the Convention should entail the acceptance of the fact that the above-mentioned principles governed the constitution-drafting process.

15. The National Convention has now been in existence for over 12 years. By 1996, the National League for Democracy (NLD), the winners of the 1990 election, had boycotted some of the Convention sessions, citing the undemocratic nature of its procedures and the human rights abuses perpetrated during its proceedings. These violations have been well documented by former special rapporteurs.

16. Adjourned in May 1996, the National Convention remained suspended for a further eight years, until 2004, when it was reconvened for an eight-week period from 17 May to 9 July 2004 and resumed work on the detailed basic principles. The reconvening of the National Convention represented "the first step of the seven-point road map for national reconciliation and democratic transition", according to the then Prime Minister, General Khin Nyunt.

17. The seven points in the road map to democracy cited by the Government were as follows:

(a) The reconvening of the National Convention, which had been adjourned since 1996;

(b) After the successful holding of the National Convention, step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic State;

(c) The drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the National Convention;

(d) The adoption of the constitution through national referendum;

(e) The holding of free and fair elections for legislative bodies (Hluttaws) according to the new constitution;

(f) The convening of legislative bodies attended by legislative body members in accordance with the new constitution;

(g) The building of a modern, developed and democratic nation by the State leaders elected by the legislative bodies, the Government and other central organs.

18. The Government of Myanmar, under the new Prime Minister, Lieutenant-General Soe Win, explicitly expressed its continued commitment to implement the road map. The Prime Minister stated that it would be fully realized, without any changes, along with the political agenda of the Government, with a view to seeing to the emergence of a peaceful, developed and disciplined democratic nation.

19. In a press conference on the National Convention, held on 1 February 2005, the Minister for Information stated that the detailed basic principles for sharing legislative power which had been discussed during the last phase of the National Convention would be approved in its next phase, starting on 17 February 2005. He

added that discussion and coordination would also take place for formulating detailed basic principles for sharing executive and judicial powers.

A. Recent developments

20. Beginning on 15 January 2005, invitations were issued by the National Convention Convening Commission to those delegates who had been invited to the last session of the Convention. The invited delegates were selected from the same eight groupings as before: political parties, representatives-elect, national races, peasants, workers, intellectuals and intelligentsia, State service personnel and ceasefire groups. According to the Commission, 1,073 of the 1,081 delegates invited attended the meeting.

21. The National League for Democracy, which won the majority of seats in the 1990 elections, did not join the reconvened National Convention. NLD offices remain closed and sealed by the Government, with the sole exception of the Yangon Office. The General-Secretary of NLD, Daw Aung San Suu Kyi, and the Vice-Chairman, U Tin Oo, remain under house arrest, with no date given by the Government for their release. NLD members continue to suffer intimidation and arrest by Government forces. Other political party activists, including Members of Parliament-elect, remain in detention for their political activities.

22. In a statement issued on 27 May 2005 on the occasion of the fifteenth anniversary of the multiparty democratic election, the Central Executive Committee of NLD reiterated its belief in the need for the creation of a political environment in which all people could freely and contentedly participate without obstructions and restraints. To this end, the reinstatement of the democratic rights and the removal of anti-democratic procedures were essential. The NLD called for dialogue with the Government and negotiations with leaders of ethnic nationalities.

23. NLD called for the immediate release of Daw Aung San Suu Kyi and U Tin Oo from house arrest and the unconditional release of all political prisoners, including Members of Parliament, imprisoned for their peaceful political activities and beliefs. It urged the Government to allow all NLD offices to reopen and to recognize and protect the right of political parties to function in accordance with the Political Parties Registration Laws and democratic principles.

24. The Special Rapporteur was saddened to hear reports that the civilian population was allegedly forced to attend mass meetings to demonstrate its support for the National Convention. It is understood that members of Government-sponsored associations were designated to lead the demonstration in support of the National Convention held by the State Peace and Development Council (SPDC) in Yangon.

B. Participation of political parties, ethnic nationality parties and ceasefire groups

25. Of the 25 political parties that won seats in the 1990 general elections, fewer than half of them reportedly participated in the 1993-1996 phase of the National Convention. Allegedly, only eight of these parties were still "legally registered" in 2005, but not all took part in the 2005 session. Those that did attend included six

ethnic nationality parties: Kokang Democracy and Unity Party, Union Kayin League, Union Pa-O National Organization, Mro or Khami National Solidarity Organization, Lahu National Development Party and Wa National Development Party. The two remaining legal ethnic parties, the Shan Nationalities League for Democracy (SNLD) and the Shan State Kokang Democratic Party, did not participate.

26. It is understood that none of the political parties that participated in the 1990 elections (including those that won seats), and which were subsequently deregistered, was invited to participate in the latest session of the National Convention. Those parties that are members of the informal umbrella organization the United Nationalities Alliance reportedly supported the NLD decision not to join the Convention.

27. The Special Rapporteur is concerned by the continuing arrests and harassment of members of registered political parties for exercising their peaceful political activities. Prior to the National Convention, at least 10 political activists were arrested for participating in a meeting of senior representatives of the Shan ethnic nationality on Shan National Day, 7 February 2005. It is understood that all those arrested, including Khun Htun Oo, Chairperson of SNLD, are still being arbitrarily detained and that U Shwe Ohn, the 82-year-old author and lawyer, remains under house arrest. SNLD, which won the second-largest number of seats in the 1990 election but was prevented from taking them up, has, along with NLD, stayed away from the National Convention because of the lack of adherence to minimum democratic standards.

28. In his previous report, the Special Rapporteur welcomed the fact that the National Convention had taken a potentially significant step towards national reconciliation and political transition, given that it had secured the participation of a large number of ethnic nationalities, including ceasefire groups (see E/CN.4/2005/36, para. 14). Its active and credible involvement in the constitutional talks and the future political direction of the country is imperative for the process of national reconciliation.

29. The Special Rapporteur has been informed that some ethnic nationality ceasefire groups have reportedly begun to seriously consider reviewing their policy of cooperation with the SPDC. Discontent at the grass-roots level is reportedly evident at the continued involvement of ceasefire groups in the National Convention process, which to date has yielded them little benefit and has not furthered progress towards national reconciliation. During the last session of the National Convention in 2004, ceasefire parties reportedly believed that it was easier for them to put forward their own views. In 2005, however, it was reported that ethnic proposals and discussions were curtailed by Government policy.

30. The Government has indicated that its policy towards those armed groups that had "returned to the legal fold" would continue. Such groups are being urged to join in the efforts of the Government to ensure the implementation of its political road map. However, the submissions made by the ceasefire groups at the recent National Convention apparently were not acted upon.

31. There remain a number of ethnic minority-based armed groups and factions, such as the Karen National Union, the Karenni National Progressive Party and the Shan State Army (South), located primarily in the border areas, which have either

no peace agreements or failed peace agreements with the Government and are thereby excluded from the National Convention process.

C. Proceedings

32. As the Special Rapporteur has indicated in previous reports and at the beginning of this section, the very procedures and conditions under which the National Convention operates involve restrictions on and violations of the rights of its civilian participants. The procedural code, order 5/96, issued in 1996, for example, outlaws any criticism of the Convention and provides for imprisonment of up to 20 years and the outlawing of related organizations for those who violate this code.

33. If the inherent procedural restrictions are not amended and the representatives of the democratic opposition are absent from the National Convention, any constitution that emerges will lack legitimacy and thus credibility. Such impediments serve only to further postpone the democratization process in Myanmar. The Special Rapporteur reiterates his opinion that the National Convention will lack credibility as long as it fails to adhere to minimum democratic standards and fails to represent the people of Myanmar fairly and adequately.

34. At the opening of the latest phase of the National Convention, the Secretary of the National Convention Convening Commission asserted that delegates would have to engage in discussions in order "to approve the detailed basic principles for sharing legislative power and to lay down the detailed basic principles for sharing executive and judicial powers ... within the framework of the procedures".

35. In an address to the Convention on 31 March 2005, the Chairman of the National Convention Convening Commission, Secretary-1 of SPDC Lieutenant-General Thein Sein, outlined the proceedings that had taken place. With regard to the presentations of delegates during the previous session of the Convention on the detailed principles for legislative power and formation of a financial commission, he stated, "As the suggestions of some of the groups and delegates are found to be beneficial and appropriate for the nation and the people, the Work Committee coordinated with the panel of chairmen whether or not to lay them down as detailed basic principles." He continued, "The present Convention successfully laid down detailed basic principles for the distribution of legislative power and the formation of a financial commission that should be included in writing a constitution."

36. Concerning the detailed basic principles to be laid down for the executive and judicial sectors, the clarifications of the Chairman of the Work Committee were presented and the delegates held discussions and read papers, after which the delegates supported the clarifications of the Work Committee Chairman. The presentations made by the delegates were within the framework of the six objectives of the Convention, which include the Main National Causes and the 104 basic principles, as drawn up by the Government.

37. The Chairman stated that the National Convention would be adjourned until the end of the year, and that the Work Committee would examine the papers on the detailed basic principles for the executive and judicial powers presented by a large number of delegates, and with the National Convention Convening Commission's approval, would lay down detailed basic principles at the coming Convention. In

this way the members of the panel of chairmen would have enough time to compile their studies and enable the delegates to continue their business and attend to social affairs.

38. Delegates were informed that when the National Convention reconvened, detailed basic principles would be adopted for the delegation of executive and judicial powers and for enabling the Work Committee to submit their studies on channels of functions regarding the tasks of legislative bodies between the Head of State and legislative bodies, as well as the submission of bills to the respective legislative bodies.

39. The Special Rapporteur firmly believes that if the procedural arrangements which govern the National Convention were put on a sound democratic footing, it would allow for the full inclusion and involvement of all political parties and for true progress to be made in the democratization process.

IV. Civil and political rights

40. The Special Rapporteur regrets to note that the information received demonstrates that the situation regarding the exercise of fundamental rights and freedoms has not substantially changed during the reporting period. Civilians, including members of registered political parties and pro-democracy activists, continue to be harassed, arrested, tried and sentenced to prison for the peaceful exercise of basic civil and political rights and freedoms. All NLD offices remain shut, with the exception of its headquarters in Yangon, and political party members are consistently liable to politically motivated prosecution and incarceration. It is understood that more Members of Parliament-elect were arrested in February and March 2005 than at any time since May 2003. Three Members of Parliament-elect are believed to have received prison sentences in 2005.

41. On 7 February 2005, at least 10 political activists were arrested for participating in a meeting of senior representatives of the Shan ethnic nationality. As noted above, it is reported that those arrested, including Khun Htun Oo (SNLD Chairman), are still being arbitrarily detained and that U Shwe Ohn, the 82-year-old author and lawyer, remains under house arrest. On 8 April 2005, a Member of Parliament-elect of Shan State, U Kyaw Khin, was sentenced, for the second time, to 14 years' imprisonment. He was accused of distributing a leaflet describing the list of awards won by Daw Aung San Suu Kyi and photocopying them without permission. This second arrest came only seven weeks after his release on 3 January 2005 from prison, where he had been detained since 1996. On 1 and 6 June, respectively, Win Aung and Soe Win, two NLD leaders, were arrested and later sentenced on 8 July to 13 years' imprisonment on charges of possessing and watching a video of a political tour by Daw Aung San Suu Kyi and for reading a book by an exiled journalist. On 13 June 2005, Ko Aung Myo San, U Ba Myint, U Ba Tint and Ko Khin Kyaw, all NLD leaders, and Ko Thet Naing Aung, member of the Democratic Party for a New Society, were reportedly given life sentences for distributing a political pamphlet.

42. In his press statement of 7 July 2005, the Special Rapporteur welcomed the release of 249 political prisoners from various prisons throughout Myanmar the previous day. It has been reported that according to the Government, those freed were inappropriately detained by purged military intelligence machinery. Among

those released were politicians, pro-democracy activists and members of political parties and students.

43. Such welcome news was, however, sadly tempered by reports of ongoing arrests, detention and sentencing of political activists, such as Chit Swe, the NLD leader and renowned cartoonist, on 12 July 2005. To date, there reportedly remain over 1,100 political prisoners in Myanmar, including monks, lawyers, teachers, journalists, farmers, politicians, student leaders, writers and poets. Their continued detention runs counter to the spirit and objective of democratic transition and national reconciliation, as expressed in the road map. The Special Rapporteur is disappointed to note that U Win Tin, the 75-year-old editor and poet, imprisoned now for 16 years, who had been told on 6 July 2005 of his imminent release, remains in Insein prison.

44. The Special Rapporteur is encouraged to note that in 2005, the International Committee of the Red Cross (ICRC) continues to have regular access to prisons, labour camps and hospitals in order to monitor the treatment and living conditions of persons detained therein. Several cases were followed up on an individual basis, including some relating to security detainees, minors, detainees claiming foreign citizenship and those in need of particular protection, such as the sick or elderly. The mortality rate among detainees has reportedly decreased in most places of detention.

45. Despite the above-mentioned positive development, the Special Rapporteur continues to receive complaints about the conditions and treatment of some political prisoners.

46. The Special Rapporteur is concerned at ongoing allegations of the pervasive and systematic use of torture and ill-treatment by the authorities against persons in pre-trial detention. Since January 2005, at least four deaths in custody have been reported. To date, the Special Rapporteur has received no confirmation that full investigations have been conducted into these deaths. He has also received reports that detainees are often subjected to prolonged deprivation of sleep, food and water during initial interrogation, which may stretch over a period of days.

47. The Special Rapporteur is concerned to note that former Prime Minister General Khin Nyunt, along with many of his aides and allies, has been taken into custody and subjected to unfair judicial procedures. He is currently being held under house arrest and has reportedly received a lengthy suspended sentence, having been convicted on charges which included corruption and bribery. In the wake of the dismantling of Myanmar's military intelligence from the end of 2004, it is understood that up to 100 senior military intelligence officials have been arrested. Many of these former officials are being detained in Insein prison without access to lawyers and are reportedly being tried in secret tribunals set up inside the prison.

48. The Special Rapporteur is very concerned to note that the Myanmar authorities continue, as an apparent matter of standard practice, to deny detainees access to relatives, legal professionals or other external persons for considerable periods of time after arrest and, in the vast majority of cases, until after the detainees have been sentenced.

49. With incommunicado detention continuing to be used by Government personnel, political activists are often arrested and detained without the knowledge

or notification of their families. Furthermore, they are often detained for long periods of time, in some cases years, without legal representation.

50. According to information received, detainees have little or no access to legal counsel or the means by which they might prepare their own defence. While the authorities have granted legal representation to some recently arrested detainees, they have in many instances blocked access to information and not given adequate indication of trial dates. The arrested SNLD Member of Parliament-elect U Khun Htun Oo and others detained with him in February 2005 were denied access to lawyers of their own choosing, but were given Government-appointed lawyers.

51. The Special Rapporteur continues to receive reports alleging torture and ill-treatment of prisoners, including severe beatings, shackling and forcing prisoners to assume difficult squatting and standing positions for long periods of time. Solitary confinement in darkened cells is understood to be a frequent punishment for any complaints made.

52. Aung Hlaing Win, an NLD activist, was arrested in May. Ten days later his family was informed by the authorities that he had "passed away unexpectedly". However, an autopsy found 24 external wounds on his body, three fractured ribs and a broken rib which caused bruising to the heart, indicating that he had been tortured. Those responsible have yet to be prosecuted.

53. At least 22 political prisoners are believed to have been tortured and ill-treated after a number of them participated in a hunger strike in Insein prison on 28 April 2005. The group was protesting against a decision by the prison authorities to force political prisoners to share cells with prisoners convicted of criminal offences, who allegedly ill-treated them. It is reported that at least two hunger strikers were confined to punishment cells.

54. There is serious concern that the health problems of prisoners that have been caused or exacerbated by their conditions of detention are not being adequately addressed. The most common complaints are heart disease, mental illness, hypertension and illnesses related to malnutrition. In spite of the urgent requirements of several prisoners for specialist treatment, the authorities are often slow to act upon the requests of medical professionals and in some cases deny access outright.

55. The Special Rapporteur is very concerned at the continued application of the 1975 State Protection Law, which permits the Home Minister to detain without charge or trial, or re-detain, anyone who is believed to constitute a "danger to the State". There appears to exist no clear definition of what in fact constitutes a danger to the State, which allows the phrase to be broadly interpreted and acted upon. Besides allowing the authorities to arbitrarily detain anyone for engaging in peaceful political activities that the Government may consider subversive, it permits the authorities to extend the detention of prisoners without charge or trial, thereby violating international legal standards.

56. Among those prisoners detained under the State Protection Law is Daw Aung San Suu Kyi, who has been under house arrest pursuant to this legislation for over nine of the last 16 years. Since May 2003, she has been held without charge or trial. U Tin Oo (aged 77), the Vice-Chairman of NLD who has been under house arrest without charge since 30 May 2003, had his detention extended by another year on 13 February 2005. Than Nyein, Member of Parliament-elect, was due for release

from prison on 19 January 2005; however, the authorities have reportedly extended his prison sentence for another year, in spite of a serious deterioration in his health. That was the fourth time that the authorities had extended his prison term. U Shwe Ohn (82), a Shan leader, remains under house arrest since being detained following a meeting of Shan politicians on 7 February 2005. It has been alleged that the State Protection Law has been invoked and his detention ordered for one year.

V. Economic, social and cultural rights

57. Myanmar possesses considerable development potential, given its fertile agricultural land, a rich endowment of other natural resources and potential as a locus of regional trade. Sadly, the people of Myanmar today do not enjoy the fruits of economic and social development as they might. A growing number of households are living in acute poverty and are facing serious threats to their livelihood, including limited health care and inadequate opportunities for quality education.

58. The economy shows little sign of improving in the near future unless fundamental political and economic reforms are undertaken, as the Special Rapporteur has previously stated (see E/CN.4/2005/36, para. 62). The underlying structural weaknesses of the economy are a major contributor to the country's health and education crises. Current economic trends threaten to undermine any progress made.

59. The public health budget is currently insufficient to provide health staff and facilities with adequate and appropriate supplies, equipment, operational budgets and support for medical training. In order to maintain the overall quality of health-care services, it is important to ensure that the private sector complies with reasonable standards. Furthermore, efforts must be made to prevent resources from being drawn away from the public sector and into private health-care services, which are often too expensive for most people.

60. The Special Rapporteur welcomes reports that the Government has introduced hepatitis B immunization and new strategies, including programmes for remote areas. He regrets, however, that infant and under-five mortality rates remain high, largely as a result of preventable or treatable causes, such as acute respiratory infections, diarrhoea, malaria and tuberculosis.

61. He is encouraged by the news that HIV/AIDS prevention and treatment activities have increased in scale and scope, including community and hospital-based prevention of mother-to-child transmission programmes, and that HIV/AIDS prevention and life skills education is being provided in schools and for out-of-school children. It remains of very serious concern, however, that HIV/AIDS has now exceeded the benchmark of a generalized epidemic, with a doubling of the prevalence rate among the adult population over the past two years. Efforts to address the situation of orphans and vulnerable children, including those affected by HIV/AIDS, have recently been initiated and will require continued attention.

62. The Special Rapporteur is pleased to acknowledge that the Government continues to work on a national plan of action for children, as discussed last year by the Committee on the Rights of the Child (see CRC/C/SR.960), but has yet to ratify the two Optional Protocols to the Convention on the Rights of the Child. However,

he understands that technical ministries have participated in a number of regional forums, including the Regional Consultation on Violence against Children. Furthermore, at the national level, a juvenile justice inter-agency working group has been created to promote action on juvenile justice areas. The United Nations Children's Fund (UNICEF) has reported increased recognition of some child protection issues in Myanmar, including the situation of children deprived of parental care, street and working children, and children in conflict with the law.

63. Approximately 55 per cent of schoolchildren in Myanmar complete the five years of primary school, with most of the remainder dropping out of school to work. It is reported that the costs of education are largely borne by parents, in the form of "donations" which are expected to be paid towards teachers' salaries, supplies and the maintenance of schools. While these problems are endemic in the country, they are particularly acute in border areas, which have suffered from decades of armed conflict.

64. The Special Rapporteur welcomes the steady and remarkable reduction in opium poppy cultivation. Supply control will bring more stability to the region, whose already significant problems are exacerbated by narco-trafficking. It is vital that alternative income-generating sources be generated to stave off relocations and the creation of internally displaced persons, and to ensure the success and sustainability of the opium reduction programme. To this end, he calls on the Government to ensure that, in the interim, the basic needs of former opium farmers are met and sufficient resources allocated to those whose livelihoods depended upon opium-generated income.

VI. Human rights situation in ethnic minority areas

65. The Special Rapporteur is very concerned to learn that serious human rights violations continue to be perpetrated against Myanmar's ethnic minority communities, which constitute approximately 35 per cent of the country's population. Widespread reports of forced labour, rape and other sexual violence, extortion and expropriation by Government forces continue to be received. While those in areas where counter-insurgency operations are taking place are particularly badly affected, there are also reports of violations in ceasefire areas, where large contingents of Government forces continue to be present. Numerous violations of humanitarian law by these forces are still being reported. Allegations of human rights abuses by members of non-State armed groups have also been received. A widespread culture of impunity persists, in which victims of violations rarely have recourse to redress.

66. The Special Rapporteur is seriously concerned at ongoing allegations of forced labour throughout Myanmar, and particularly in ethnic minority states. The Government issued two orders prohibiting the practice of forced civilian labour by military and civilian authorities in 1999 and 2000, stating that it was a punishable offence. This notwithstanding, it is reported that men, women and children are forcibly made to perform duties such as road repair and construction, portering for the military, sentry duty, transport of military supplies, forced rice and tea cultivation, rock-breaking, digging, gathering of firewood, construction, bush and scrub clearance, fencing of military barracks and compounds and digging of military

bunkers and trenches. Civilian vehicles and their owners are frequently requisitioned to transport military supplies.

67. In many instances, those who are not in a position to undertake forced labour duties are allegedly obliged to pay a sum to cover the hire of another to go in their place. Fees such as a "porter" or "self-reliance development" fee for road construction are regularly extorted by Government forces in lieu of forced labour.

68. Civilians living in counter-insurgency areas who are unable to carry out their forced labour duties are particularly vulnerable to reprisals and collective punishment. Cases of severe punishment of those who are unable, unwilling or too weak to carry out orders continue to be received. Several cases have been brought to the attention of the Special Rapporteur of persons who have been conscripted as porters and have become too weak to carry their loads or keep up with the military column (owing to a lack of food, water or medical care) often being beaten and, in some instances, summarily executed.

69. The Special Rapporteur is particularly concerned at the assertion made by the Government at a recent press conference that anyone making what it deemed to be false allegations of forced labour, or found to be reporting such allegations to the International Labour Organization (ILO), would face prosecution. He is also disturbed to note the increased restrictions placed on the ILO liaison officer and calls by Government-affiliated organizations for the Government to consider withdrawing from ILO.

70. The Special Rapporteur is concerned to note that ceasefire groups have also allegedly insisted upon forced labour by the civilian population for tasks including clearing tracts through the jungle and preparing land for crop cultivation.

71. The Special Rapporteur continued to receive reliable reports of forcible recruitment and training of children for the Government armed forces and non-State armed groups. Lamentably, because of his lack of access to the country, he was not in a position to assess the extent of these alleged practices. He is aware that the dialogue between the Government and UNICEF on issues such as child soldiers has been limited owing to changes in ministerial leadership, with whom a new dialogue has had to begin. While there has been discussion on the need to further develop and operationalize the national plan of action to prevent the recruitment of child soldiers, cooperation on this issue has yet to be seen.

72. The Special Rapporteur is distressed that sexual violence committed by Government personnel against women and children allegedly continues. Civilians in ethnic minority areas such as Shan, Kayin, Kayah and Mon states have allegedly been particularly vulnerable to such violations. Documented reports of rape, sexual slavery and forced marriage continue to be received. Such incidents have resulted in the restricted movement of women, who allegedly are often fearful of working in the fields or travelling unaccompanied. It is reported that prosecution of the alleged perpetrators rarely takes place.

73. The imposition of arbitrary taxes is reportedly commonplace. Random and temporary checkpoints are understood to be periodically erected and "taxes" demanded of the civilian population. Reports have been received that many farmers have been prohibited from selling their rice and bran to anyone other than the military. They are allegedly forcibly obliged to sell produce at a price fixed by the

authorities that is many times lower than the market price. Others were compelled to make a payment to the authorities before they could harvest their crops.

74. The Special Rapporteur is concerned about ongoing reports of the self-sufficiency policy for the military, which continues to result in Government forces confiscating land, livestock, fish-catches and harvested crops from the civilian population and randomly shooting the cattle of civilians for their own consumption. It is reported that civilians refusing to acquiesce to the demands of the Government forces are subjected to fines and physical punishment.

75. The requisitioning of possessions, forcible evictions, house destruction and the burning of civilian dwellings are more prevalent in counter-insurgency areas. A large number of villages in ethnic minority areas have reportedly been burnt down and the villagers forced to relocate as a result of military offensives against armed opposition groups.

76. The Special Rapporteur is concerned about continued reports that the freedom of movement of civilians is unnecessarily restricted. In this regard, he notes reports that members of the Rohingya Muslim minority are prevented from travelling outside their villages without official permission. Others who are particularly affected are the Shan in the south-eastern part of Shan state and the Mon in southern Ye township in Mon state. It is understood that in several instances, civilians have been required to obtain passes, at a fee, in order to farm their own land and have had limits imposed on the length of time they may travel outside their village.

77. The Special Rapporteur is very concerned to hear that the use of landmines by Government forces and some non-State armed groups continues, affecting nine out of 14 states and divisions. He is disturbed by reports of the ongoing practice of "atrocity demining" whereby civilians are forced to act as human mine-sweepers by the military, resulting in severe mutilation and sometimes death. It is believed that Myanmar continues to produce landmines, with devastating effects. The lack of provision of adequate care and assistance for victims affected by landmines is to be very much regretted. The continued practice of laying landmines in fields and forests, and the lack of mine clearance, has had a negative impact upon the freedom of movement of civilians and their economic right to earn a living. Livestock are understood regularly to be maimed or killed in landmine incidents.

78. The Special Rapporteur is pleased to note that some progress has been made by the Government in tackling the issue of human trafficking. He welcomes news that anti-trafficking legislation is currently being drafted and that some progress has been made in prosecuting those involved in trafficking for forced labour purposes. The recent establishment of a police anti-trafficking unit is to be welcomed, as is the training of the anti-trafficking unit within the Ministry of Home Affairs in the investigation of trafficking cases. He remains concerned, however, that men, women and children continue to be trafficked for forced labour and sexual exploitation.

79. The Special Rapporteur has taken note of allegations of ongoing incidents of religious persecution. In Chin state, the reported destruction of a Christian cross by Government troops and the coercion of Chin Christians to contribute money and labour for the construction of a Buddhist monastery are to be regretted. He remains very concerned about reports of ongoing discrimination against the Rohingya ethnic minority in northern Rakhine state, including the destruction of mosques by

Government forces and the forced labour practice of ordering civilians to construct "model villages" to resettle Buddhists onto Muslim land.

80. He is concerned that the 1982 Citizenship Law, which recognizes the right to nationality for those defined as indigenous, excludes the Rohingya minority from citizenship, leaving them de facto stateless.

VII. Humanitarian situation

81. As long as there is conflict in Myanmar, livelihood prospects within the country will remain poor, and as long as the Government fails to protect human rights, there will be those who feel compelled to seek a better life elsewhere. Neighbouring countries will continue to bear the burden of those who have left Myanmar in search of safety, sustenance and freedom.

82. The ongoing armed conflict between Government forces and non-State armed groups of the various ethnic minority communities, combined with the perpetration of systematic and grave human rights violations have resulted in significant numbers of people fleeing their homes and becoming internally displaced persons and refugees. Many flee to the forests and remote areas, where there is inadequate food security and health care and no education for the children. Several thousand civilians have reportedly been displaced since the beginning of the year, particularly as a result of the counter-insurgency operations of the Government forces and/or their proxies.

83. It has been reported that as of the end of 2004, there were at least 526,000 internally displaced persons in eastern Myanmar alone, in Mon, Kayin, Kayah, southern Shan states and Tanintharyi and eastern Bago divisions. The Special Rapporteur is concerned about reports that allege that 365,000 people are in temporary settlements in ceasefire areas controlled by ethnic minority groups; 84,000 civilians are reportedly in hiding or temporary settlements, having been forcibly evicted from their homes; and a further 77,000 are understood to have been moved to relocation sites by Government troops. It is believed that at least 1 million people are internally displaced countrywide.

84. Reports state that relocation sites are in most cases empty tracts of land, where those who have been displaced are expected to provide their own shelter. Internally displaced persons face severe food shortages and inadequate access to safe drinking water, health and education services. Infant and maternal mortality rates are reportedly higher among the displaced. The lack of access for humanitarian agencies to border areas is believed to be exacerbating the problem.

85. Following the renunciation by the Shan State National Army of its ceasefire agreement in April 2005, there has been increased military activity and increased deployment of Government forces to restrict contact with the Shan State Army (South). As a result, it is understood that over 10,000 civilians have been displaced by conflict in southern Shan state between March and June 2005. During this period several villages were forcibly relocated, burnt or abandoned, allegedly as a result of the military strategy of Government forces and its adverse impact upon the civilian population.

86. In 2003 and 2004, the Special Rapporteur welcomed the fact that the flow of United Nations development assistance, especially in the area of health, had

significantly increased, access for international organizations had improved and agreement had been reached on activities under the Global Fund for HIV/AIDS, Tuberculosis and Malaria. However, since October 2004, the situation has reverted to a more constrained operating environment for United Nations agencies. International agencies working inside Myanmar do not have sufficient access to the zones of ongoing armed conflict or instability in the eastern part of the country, where protection and other humanitarian vulnerabilities are particularly acute. United Nations agencies are coming under increased scrutiny, with many of their operations subjected to increased governmental restrictions. In addition, in spite of concerns about deepening poverty and social vulnerability, restricted mandates of some United Nations agencies continue to affect their capacity to support Government programmes and capacity-building projects.

87. The Special Rapporteur regrets that international non-governmental organizations are reportedly also experiencing difficulties in carrying out their activities.

88. ICRC has continued to monitor the situation of the civilian population in conflict areas along the Thailand-Myanmar border. Its work in this region is of great benefit to all sides. However, the Special Rapporteur regrets to note that the access of ICRC has also been seriously curtailed in the eastern border areas.

89. While certain non-governmental organizations have some access to conflict areas, coverage is limited and will remain so until ceasefires in these areas are consolidated. There has been significant concern recently about reports of the forced return to Myanmar of refugees in Thailand to conflict areas.

90. The south coast of Myanmar was hit by the tsunami of 26 December 2004. The humanitarian community, led by the International Red Cross and Red Crescent Movement, assessed the affected areas and was able to confirm Government estimates of about 90 people killed and 10,000 to 15,000 people affected. The worst-hit areas were the coastal portions of the Ayeyarwardy Delta as well as Tanintharyi division and Rakhine state. The overall assessment was that the country had fortunately been spared a large-scale disaster. The Government of Myanmar responded to the situation by providing support to affected populations and sharing available information on the impact of the tsunami with the relief community. The United Nations agencies rapidly coordinated their response and provided emergency support for immediate needs.

VIII. Concluding observations

91. The Special Rapporteur believes that the Government can and should take steps to salvage the National Convention and the credibility of the Government both at home and internationally. Freedom of movement, assembly and association must be guaranteed, as they are basic requirements for national reconciliation and the path to democratization. The National Convention will continue to have its credibility questioned as long as it fails to adequately represent the people of Myanmar. Democratic principles should govern all constitutional discussion and the entire political process.

92. One of the most relevant issues continues to be the definition of those who will draft the constitution, the third step of the road map. According to Government

declaration 1/90 of 27 July 1990, "the representatives elected by the people are those who have the responsibility to draw up the constitution of the future democratic State", while, more recently, there have been reports that a group of "experts" from the Government or appointed by the National Convention would draft the constitution. For the time being, there are also no clear indications about the rules for the adoption of the constitution through a national referendum.

93. The transition to a full, participatory and democratic system can no longer be postponed. Political and constitutional dialogue must begin without delay. By instituting values of democracy and human rights, the Government will send a clear signal to the people of Myanmar and the international community that it is actively committed to facilitating the creation of a stable and democratic future for the country.

94. While the release of a large number of common-law prisoners and some political prisoners is to be welcomed, the constant arrests, detention and maltreatment of civilians and democracy advocates continues. The Special Rapporteur deplores the sentencing of five pro-democracy activists to life imprisonment on 13 June 2005, which contradicts the expressed commitment of the Government to implement the road map in good faith.

95. It is deeply regrettable that the General-Secretary of NLD, Daw Aung San Suu Kyi, celebrated her sixtieth birthday under house arrest. Her virtual solitary confinement and lack of access to her NLD colleagues run counter to the spirit of national reconciliation. Furthermore, ICRC has not been allowed to independently monitor her living conditions for the past two years.

96. The misuse of the machinery of law, order and justice by the Government of Myanmar to instigate systematic political repression rather than protect basic human rights and fundamental freedoms is to be regretted. The Special Rapporteur believes that judicial procedures must undergo serious and immediate reform to bring them into line with international standards and the rule of law. The lack of due process, particularly in political trials, and the abuse of the justice system to silence peaceful political dissent are of serious concern to the Special Rapporteur.

97. Throughout the country, civilians are unable to make complaints or obtain redress for human rights violations by State agents. It is deeply regrettable that when victims of human rights violations attempt to complain, they invariably find no avenue of redress available. Furthermore, they are frequently subjected to threats and reprisals.

98. The Special Rapporteur is dismayed that no action has yet been brought against the perpetrators of the fatal attacks on NLD supporters in a car convoy at Depayin in May 2003, or an investigation launched into the alleged systematic rape of Shan, Karen and other ethnic minority women by Government forces.

99. The Special Rapporteur deeply regrets to note the deaths of at least 11 people and the wounding of many others following the bomb attacks in Yangon on 7 May 2005.

100. The Special Rapporteur strongly believes that the United Nations and the international community are ready to work in partnership with the Government, the political parties and civil society organizations to effectively facilitate national reconciliation and the transition to democracy. By improving its human rights record

and governance policies and strengthening its cooperation with international organizations, the Government can be assured of support for conflict resolution, political and economic reform, institution- and capacity-building, humanitarian assistance and human development.

IX. Recommendations

101. **The Special Rapporteur believes that the Government of Myanmar needs to explicitly reaffirm and demonstrate its commitment to implement political and constitutional reform by guaranteeing the full and effective participation of all political actors, including NLD, political parties and ethnic leaders, in a meaningful and substantive dialogue.**

102. **The Government needs to clearly state the procedural steps it plans to take in drafting the constitution and in conducting the referendum and genuinely free and fair elections.**

103. **The Special Rapporteur calls on the Government to ensure the full and effective participation of all those political actors who are trying to build a free, open and just society throughout the political transition process. The constitution should prescribe a model of government that reflects and involves the diverse ethnic and political communities that make up the country.**

104. **The Special Rapporteur reiterates that the General-Secretary of NLD, Daw Aung San Suu Kyi, the Vice-Chairman of NLD, U Tin Oo, ethnic leaders such as Khun Htun Oo, Chairperson of SNLD, and elderly prisoners such as the poet and journalist U Win Tin, should be released. The immediate release of all 1,100 political prisoners would send a powerful signal to the people of Myanmar and the international community that the Government is seriously committed to a genuine process of reconciliation and to constituting a participatory democracy in Myanmar.**

105. **It would be most desirable to have an independent assessment of the conditions of detention of all persons detained, including Daw Aung San Suu Kyi, and all those under house arrest, by a neutral body such as ICRC.**

106. **The Special Rapporteur reiterates the pressing need for State institutions to receive and fully investigate all complaints of human rights abuses and to prosecute, where necessary, in accordance with international standards. The State must assume the responsibility to protect and promote the well-being of its people.**

107. **The Special Rapporteur calls on the Government of Myanmar to guarantee that all civil and political rights are protected and promoted. In particular, he reiterates the need for an environment to be created where freedom of expression, opinion and assembly are upheld, so as to enable meaningful progress to be made on the process of national reconciliation and the transition to democracy. In this connection, the arbitrary arrests, detention and imprisonment of civilians for engaging in peaceful political activity must end, as a matter of priority.**

108. **Laws that excessively restrict the peaceful exercise of civil and political rights should be immediately reviewed, amended or repealed. The 1962**

Printers and Publishers Registration Act, the Unlawful Associations Act, the 1950 Emergency Provisions Act and the 1975 State Protection Law have been invoked to imprison many peaceful political activists and have seriously restricted the exercise of rights and freedoms. The Special Rapporteur calls on the Government to review and amend those laws and to repeal those provisions in the 1975 State Protection Law that allow detention by executive order without charge or trial.

109. The Special Rapporteur calls on the Government to immediately repeal Order 5/96, whose provisions allow for up to 20 years' imprisonment of anyone who drafts a constitution without official permission and otherwise criminalizes the right of freedom of expression and assembly.

110. The authorities should ensure that all judicial procedures conform to internationally recognized standards of fair trial, including the right to the presumption of innocence, the right to a public trial and the right to appeal to a higher tribunal. The judiciary must not be influenced by the military, either directly or indirectly; it should be permitted to determine each case without interference from the executive branch of the Government.

111. The authorities should ensure that disciplinary measures employed in prisons do not constitute torture or cruel, inhuman or degrading treatment. Should reports be received about the occurrence of such treatment, they should immediately be acted upon and a prompt, full and impartial investigation conducted. Those found to be the perpetrators should be prosecuted accordingly. All allegations of deaths in custody should be subject to an independent, prompt and impartial investigation to ascertain whether they occurred as a result of unlawful acts committed by officials, in which case the perpetrators should be brought to justice.

112. The Special Rapporteur calls on the Government of Myanmar to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The domestic laws that prohibit the use of torture should also be enforced. In ratifying this treaty and implementing the relevant domestic legislation, the Government will demonstrate its commitment to eradicating torture. All detainees and prisoners should be treated humanely and due respect shown for their inherent human dignity. Incommunicado detention, which itself often facilitates the perpetration of torture and can constitute a form of cruel, inhuman and degrading treatment, must be eliminated. In accordance with international standards, all steps must now be taken to ensure that all prisoners have immediate, confidential and frequent access to relatives and to legal and medical professionals.

113. The Special Rapporteur calls on the Government to ensure that the conditions in which prisoners are detained meet international standards in terms of adequate and hygienic accommodation, a healthy diet, adequate and timely heath care, including specialist treatment if necessary, and access to reading and writing materials.

114. The Special Rapporteur calls on the Government to allow humanitarian access to ethnic minority areas, where the civilian population is suffering the ill effects of military operations, and to ensure that article 3 common to the four

Geneva Conventions, of 12 August 1949, is fully implemented during the conduct of hostilities.

115. **At the end of the fifth year of his mandate, the Special Rapporteur is convinced that there is an urgent need for the Government of Myanmar to initiate fundamental reforms with the assistance of the international community and multilateral organizations. These reforms are imperative if Myanmar is to be successfully integrated into international financial and economic structures.**

116. **He would like to reaffirm that there are several policy initiatives which could be launched simultaneously during the transition process, in consultation with economists, political parties, United Nations agencies and neighbouring countries, to create a favourable environment for democracy. Among them, the Government should consider civil service reform, environmental protection, reforms in the education sector, reform of the judiciary and the establishment of social safety nets for the most vulnerable groups, including poor persons, women, youth, the elderly and persons with disabilities (see E/CN.4/2005/36, para. 62).**

117. **As a matter of priority, the Government should ratify core international human rights instruments, including the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.**

118. **The Special Rapporteur stands ready to cooperate with the Government in its efforts to advance the rights and fundamental freedoms of the people of Myanmar and very much hopes that the Government will give favourable consideration to facilitating his mandate and allowing him to resume his visits to the country.**